

EXHIBIT F

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Martha Jane Toy, individually,	: C.A. No.:
And as Executrix and Personal	: 05-cv-1814
Representative of the Estate of	:
Russell B. Toy, deceased,	:
Plaintiffs,	:
V.	:
Plumbers & Pipefitters Local Union	:
No. 74 Pension Plan, Trustees of	:
Plumbers & Pipefitters Local Union	:
No. 74 Pension Plan, Health and Welfare	:
Plan, Local 74, Welfare Benefit Plan,	:
Life Insurance Plan, Local 74, Welfare	:
Benefit Plan, Life Insurance Plan,	:
Local 74, Insurance Plan, Administrators:	:
of Pension and Welfare Plans, Trustees	:
of Plumbers & Pipefitters Local Union	:
No. 74 Welfare Plan, Plan Administrator	:
of Pension & Welfare Plans, Insurance	:
Plans, and Health and Welfare	:
Benefit Plan,	:
Defendants.	:

COPY

Continuation of the deposition of
SCOTT A. ERNSBERGER, GEM Group, Senior Account
Executive, taken pursuant to notice before Tanya M.
Congo, a Notary Public and Certified Shorthand
Reporter, at the offices of Young, Conaway, Stargatt
& Taylor, LLP, the Brandywine Building, 1000 West
Street, 17th Floor Wilmington, Delaware, on Monday,
August 29, 2005, beginning at approximately 9:20
a.m., there being present:

APPEARANCES:

LAW OFFICES OF WILLIAM B. HILDEBRAND, L.L.C.
1040 Kings Highway North, Suite 601
Cherry Hill, New Jersey 08034
BY: WILLIAM B. HILDEBRAND, ESQUIRE
(Attorney for Plaintiffs)

JOHN M. STULL, ATTORNEY AT LAW
1300 North Market Street, Suite 700
Wilmington, Delaware 19899-1947
BY: JOHN M. STULL, ESQUIRE
(Attorney for Plaintiffs)

Page 26

1 Pennsylvania address.

2 Q. All right. And you also asked them how
3 much money those employers contributed since 1997?

4 A. Yes.

5 Q. And the answer to that question was over
6 \$43 million as listed on page 7 and contained in
7 Exhibit B?

8 A. For all contributing employers, 130, to
9 the Pension Plan, the answer was 43,589,530.

10 Q. Right. And those employers also
11 contributed over \$49 million to the Welfare Plan; is
12 that correct?

13 A. All contributing employers for work done
14 in Delaware contributed \$49,857,711.00 to the Welfare
15 Plan.

16 Q. And of the \$43,589,530.00 contributed to
17 the Pension Plan, \$5,642,037.92 was contributed by
18 employers with Pennsylvania addresses; is that
19 correct?

20 A. That is correct for work that was
21 performed in Delaware.

22 Q. And of the \$49,857,711.00 which was
23 contributed to the Welfare Plan during the same
24 period, \$5,895,294.49 was contributed by employers
25 with Pennsylvania addresses?

Page 27

1 A. Actually, the number was \$5,895,298.49,
2 again, contributed by employers who have listed a
3 Pennsylvania address in the system, and this was for
4 work in Delaware.

5 Q. All right. What does Exhibit E represent?

6 A. Exhibit E is a report of Pension Fund
7 macro benefits paid year by year to all pensioners,
8 and it also provides a number of the pensioners
9 receiving benefits year by year.

10 Q. All right. And when you refer to that as
11 macro benefits, what does the term macro mean in that
12 context?

13 A. That's all pensioners, all locations, you
14 now, no matter where they reside.

15 Q. All right. And what's Exhibit F?

16 A. Exhibit F is a listing of the eleven
17 persons who we've been able to identify who currently
18 are listed in our system with a Pennsylvania address.
19 Again, I don't know if they reside there, but that's
20 a logical assumption.

21 But these are eleven persons who did
22 receive pension benefits who are listed in our system
23 with a Pennsylvania address, and it provides the
24 monetary benefits that were paid to them from the
25 Pension Plan from 2000 through 2005.

Page 28

1 MR. HILDEBRAND: Read back the first
2 part of the answer, please.

3 (Whereupon, the Reporter read from the
4 record as requested.)

5 BY MR. HILDEBRAND:

6 Q. All right. What is Exhibit G?

7 A. Exhibit G is a Welfare Plan report that,
8 again, provides macro medical benefits paid year by
9 year from 1997 to June of 2005.

10 It also provides a participant count
11 for each corresponding year. And these were medical
12 benefits paid to all Plan participants regardless of
13 where they reside.

14 Q. What's Exhibit H?

15 A. Exhibit H is a report provided that
16 indicates prescription drug benefits paid by a third
17 party from January 1, 2002 through August 14th, 2005
18 to participants -- or for participants who are
19 currently listed with a Pennsylvania address, or may
20 have been listed with a Pennsylvania address during
21 this time period.

22 Q. Directing your attention to the last page
23 of this particular exhibit, it says, total plan cost
24 including administration fees, \$8,178,197.98, I
25 guess. What does that number represent?

Page 29

1 A. This would be a total of this report
2 which, again, is a total of prescription drug
3 benefits paid to or for participants from January 1,
4 2002 to August 14, 2005 for those participants who
5 currently or were listed with a Pennsylvania address.

6 Q. And what's Exhibit I?

7 A. Exhibit I is a report of medical service
8 providers to whom the GEM Group issued payments for
9 medical benefits going back to 1997 through 2005, up
10 until the date the report was produced.

11 Q. All right. And that's limited to
12 healthcare providers with Pennsylvania addresses; is
13 that correct?

14 A. Yes, these are healthcare providers that
15 were listed in the system with Pennsylvania addresses
16 -- I'm sorry, let me correct this. Now, these are
17 providers that are listed with all addresses
18 including Pennsylvania. So these are all locations.

19 And please understand, this is just
20 what was paid by the GEM Group, you know, not
21 overall.

22 Q. And under what circumstances would the GEM
23 Group pay healthcare providers directly as opposed to
24 going through a third party?

25 A. There are some, what I refer to as